

REMARKS

Claims 1 – 24 are pending in the application. Claims 15-23 have been withdrawn. Reconsideration and allowance of claims 1-14 and 24 in light of the arguments herein is respectfully requested.

Prior Art Rejection of Claims 1 – 12, 13, 14 and 24 Pursuant to 35 U.S.C. §103(a)

Claims 1-12 stand rejected under 35 U.S.C §103(a) as being unpatentable over the San Jose Mercury News article "Little Saigon Gets Cemetery South Vietnamese Soldiers, Relatives Find Peace in Orange County" ("Article 6/2000"), dated June 15, 2000, in view of Applicant's admitted prior art. Claims 13, 14 and 24 stand rejected under 35 U.S.C §103(a) as being unpatentable over the Article 6/2000 in view of U.S. patent number 6,088,973 to Weiss ("Weiss").

By this paper, claim 1 has been amended to distinguish the invention defined by this claim. The rejections of claims 13, 14 and 24 are respectfully traversed. The cited and applied prior art fails to disclose all the elements of amended claims 1-12 and claims 13, 14 and 24.

According to the office action, the Article 6/2000 discloses "selling said spaces to donors by an entity for raising funds through the sale of said spaces, wherein said donors are associated with said entity," as required by claim 1. The office action acknowledges that the Article 6/2000 does not disclose "providing a storage and display case, wherein said storage and display case comprises a plurality of spaces for housing a single or a plurality of cremation storage vessels in each space," as is also required by claim 1. However, the office action asserts that, according to applicant's admitted prior art, it is well known to (1) bury a deceased person's cremains in a storage vessel with a display case to show memorabilia and pictures of the deceased, and (2) bury the remains in a cemetery plot. Further, according to the office action, it is well known that (1) burying cremains is normally cheaper than (2) burying in cemetery plots, and that it's also well known that the type of burial depends on culture. Accordingly, "it would have been obvious to modify the burial step (a) of ARTICLE 6/2000 by using cremation

storage vessel with display as mentioned by AAPA as mere using other well known alternative to reduce cost if desired."

Background—the nature of the Invention

It is respectfully submitted that the office action does not fully reflect the nature of the invention of claim 1 as described in the present application. The invention is specifically directed to burial by cremation and raising funds by selling spaces for housing cremation storage vessels. As explained at page 1, line 25 of the application,

Many cultures have considered cremation as a preferred means of laying to rest those of the community who have passed on. Even in western culture this option has risen in popularity. However, this option has encountered problems when carried out in many areas.

Thus, the focus of the invention is solving problems encountered in cremation, not in burial. The application proceeds to explain in more detail some of the problems encountered:

One problem has been the scattering of ashes....However, many state, local and religious laws forbid such actions.... Even if the loved one does not scatter the remains, an awkward situation develops. The cremains are kept in an urn, which is then kept around one's home. Social situations of an unpleasant variety can occur when visitors see an urn in a home.... Another problem has been how the cemetery industry has addressed cremation remains.

Page 1, line 29 – page 2, line 21. The stated problems are all problems associated with cremation, when cremation is chosen over the alternative of burial in a cemetery plot. Thus, the invention of claim 1 is directed to solving cremation-related problems and by its nature does not relate to burial-related problems. While burial in a cemetery plot is, generally speaking, an alternative to cremation, the present invention of claim 1 is directed to a method for individuals (donors) who have already chosen cremation. In this instance, then, burial in a cemetery plot is not an option and is not an equivalent.

The Article 6/2000 and the AAPA cannot be combined in the proposed manner

Prior art references, or a reference and admitted prior art, cannot be combined where the prior art references themselves teach away from the combination. MPEP § 2145. Accordingly, it is not appropriate for the office action to rely on applicant's admitted prior art, or "AAPA," for a showing that "well known types of burying the deceased person" include burial in a cemetery plot and burial of cremains in a storage vessel, when applicant's stated problem to be solved is avoidance of burial in a cemetery plot and election of burial of cremains in a storage vessel. From the perspective of the invention of the presently pending claims, the two types of burial are not equivalent. As noted, the invention of claim 1 is directed to a problem faced only by those who have already chosen cremation and rejected burial as an alternative.

Therefore, the modification proposed by the office action, that "it would have been obvious to modify the burial step (a) of ARTICLE 6/2000 by using cremation storage vessel with display as mentioned by AAPA as mere using other well known alternative to reduce cost if desired," may not be maintained. Practices related to cemetery burial teach away from cremation. A fund raising method involving people who have selected cemetery burial teaches away or bears no relation to a fund raising method involving spaces for cremains.

Distinguishing Amendments made to Claim 1

Claim 1 has been amended to more clearly define the invention defined by this claim over the Article 6/2000. Claim 1 has been amended to recite "providing, to an entity by a provider of burial structures, a storage and display case...." No new matter is added by this amendment. Support for this amendment may be found, for example, at FIG. 1, element 100. Claim 2 has also been cancelled.

Claim 1 has been amended to clarify the roles of the parties in the method defined by claim 1 and embodied in, for example, FIG. 1. In this embodiment, three parties are involved, a provider, an entity and donors. The provider provides the storage and display case. As noted at page 6, lines 11-29, the provider may also

design and manufacture the storage and display case, or other burial structures. The entity then sells the spaces for housing cremation storage vessels provided by the provider as fund raising vehicles. The spaces are sold to donors. Thus, the method of claim 1 contemplates three parties, a provider, an entity and donors.

The method of amended claim 1 is therefore in contrast to the story of the Article 6/2000, which only describes two parties. From the Article 6/2000, an entity (the Veteran Associations of the Republic of Vietnam) has obtained a loan to buy 300 cemetery plots and created a financial assistance program for veterans and their spouses. "To date, more than a dozen people have been buried in the military cemetery. Nearly 200 of 300 plots, which cost about \$4,800 each, have been sold." Thus, in the prior method of Article 6/2000, there is no provider. Based on the detail in the cited article, the Veteran Associations is merely purchasing and re-selling burial plots. The "entity," the Veteran Associations, both provides and sells the cemetery plots to purchasers. There is no third party as contemplated by the method of claim 1.

The office action suggests that the lender which loaned money to the Veteran Associations corresponds to "a provider" in claim 2. However, the method of claim 1 specifies "a provider of burial structures," not a provider of funds, which is the function performed by a lender in the story of the Article 6/2000. In fact, since claim 1 recites "a method of raising funds," no lender is necessary—the funds in the claimed method are raised from donors through sale of burial spaces, rather than through borrowing.

Accordingly, claim 1 recites limitations nowhere shown by the applied reference, the Article 6/2000, which fails to show a separate "provider of burial structures." Since the reference does not "teach or suggest all the claim limitations" as required by MPEP §2143, the 35 U.S.C. § 103(a) rejection of claim 1 may not be maintained. Withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a) is respectfully requested. It is respectfully submitted that claim 1 is allowable over the prior art of record.

Dependent claims 3-12

Claims 3-12 are dependent from claim 1 and are submitted to be allowable for the same reasons. Claims 3, 4 and 5 have been amended to change their dependency

from claim 2 to claim 1. These claims add further details to the financial arrangement between the three parties of independent claim 1, the provider, the entity and the donors. These arrangements, and the limitations of claims 3-5, are necessarily missing from the story of Article 6/2000, which only describes sale of cemetery plots by the Veteran Associations to purchasers.

Claims 13, 14 and 24

The rejection of claims 13, 14 and 24 is respectfully traversed. It is submitted that the invention defined by these claims is allowable over the cited reference, the Article 6/2000, for the same reasons discussed above with respect to amended claim 1.

First, each of claims 13, 14 and 24 describes a method for raising funds involving three parties, a provider, an entity and donors. The story of Article 6/2000 fails to include any party which performs the same role or function of the provider of claims 13, 14 and 24, and thus does not describe or even suggest the fund raising methods of claims 13, 14 and 24.

Moreover, the Article 6/2000 describes purchase and re-sale by an entity, the Veteran Associations, of burial plots. The inventions of claims 13, 14 and 24 are specifically directed to a fund raising method involving cremation storage vessels, for donors who specifically choose that method of interment instead of burial in a cemetery. Thus, as prior art, applicant's admitted prior art teaches away from any fundraising method involving cemetery burial. The person ordinarily skilled in the art at the time the invention was made would not look to the Veteran Associations' purchase and re-sale of cemetery plots as a suitable fund raising technique.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 13, 14 and 24 is respectfully requested.

Amendment of Claims 3-5, 9 and 11

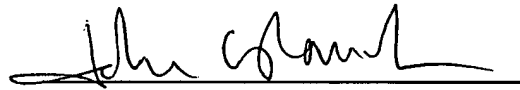
Claims 3-5, 9 and 11 have been amended slightly to correct minor inconsistencies due to other amendments or noted during review of the application. Specifically, the dependency of claims 3-5 and 9 has been changed from claim 2 to

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claim 1. The dependency of claim 11 has been changed from claim 2 to claim 10 so that proper antecedent basis of all limitations of the claim is obtained. No new matter is added by these amendments and the amendment is made merely to improve the readability of the claims, not for any reason related to patentability.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John G. Rauch", is written over a horizontal line.

John G. Rauch
Registration No. 37,218
Attorney for Applicant

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200